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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,035	01/20/2004	Clemens Rickert	09225-US	1182

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EXAMINER

TORRES, ALICIA M

ART UNIT PAPER NUMBER

3671

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,035

Applicant(s)

RICKERT, CLEMENS

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/20/04, 6/30/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Specification

1. The disclosure is objected to because of the following informalities: in line 3 of the abstract, it appears “is pivots” should be changed to –pivots—;

Page 6, line 10, “farther” should be changed to –further—;

Page 8, line 6, “shape” should be changed to –shaft—.

Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams, as cited by applicant.

4. In regards to claim 1, Adams discloses a drive train for a header (10) of a harvesting machine, the harvesting machine having a main frame (combine, not shown) on which a feeder house (12) is mounted, the harvesting machine also having a direction of travel, the feeder house (12) having a front face with a mounting device (54, 55), the mounting device (54, 55) is movable with respect to the main frame (not shown), the header (10) being releasably mounted to the mounting device (54, 55), wherein the drive train comprises a header drive shaft (99) that is driven by the harvesting machine (not shown), the header drive shaft (99) drives a secondary drive shaft (90) for supplying

Art Unit: 3671

power to the header (10), the secondary drive shaft (90) is mounted on the header (10), the header drive shaft (99) is mounted on the mounting device (54, 55), as per claim 1; and

wherein the header drive shaft (99) extends horizontal and perpendicular to the direction of travel, as per claim 2.

5. In regards to claims 8 and 11, Adams discloses a harvesting machine having a direction of travel comprising:

a main frame (combine, not shown);

a feeder house (12) being mounted to the main frame (not shown), the feeder house (12) having a front face with a mounting device (54, 55), the mounting device (54, 55) is movable with respect to the main frame (not shown);

a header (10) being releasably mounted to the mounting device (54, 55);

a drive train comprising a header drive shaft (99) being driven by the harvesting machine (not shown), the header drive shaft (99) drives a secondary drive shaft (90) for supplying power to the header (10), the secondary drive shaft (90) being mounted on the header (10) and the header drive shaft (99) being mounted on the mounting device (54, 55), as per claim 8; and

wherein the header drive shaft (99) extends horizontal and perpendicular to the direction of travel, as per claim 11.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Van den Bossche et al., hereafter Van den Bossche.

The device is disclosed as applied to claims 2 and 11 above. However, Adams fails to disclose wherein the header drive shaft is connected to a harvesting machine drive shaft that drives the header drive shaft by a connection shaft extending in the direction of travel.

Van den Bossche discloses a similarly driven harvester wherein the header drive shaft (39) is connected to a harvesting machine drive shaft (114) that drives the header drive shaft (39) by a connection shaft (111) extending in the direction of travel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the machine drive shaft of Van den Bossche on the harvester of Adams in order to provide a more direct connection.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Beougher et al., hereafter Beougher.

The device is disclosed as applied to claim 8 above. However, Adams fails to disclose wherein the header includes a center pad being mounted on the mounting device and at least one side pad being attached to the center pad, the at least one side part having

Art Unit: 3671

a transport position and a work position relative to the center part, and the secondary drive shaft on the center part being connected to the header drive shaft, so that the side part can be brought into the transport position without separating the drive connection between the secondary drive shaft of the center part and the header drive shaft.

Beougher discloses a harvester wherein the header (11) includes a center part (17) being mounted on the mounting device (unnumbered) and at least one side part (18) being attached to the center part (17), the at least one side part (18) having a transport position and a work position relative to the center part (17), and the secondary drive shaft (49) on the center part (17) being connected to the header drive shaft (47), so that the side part (18) can be brought into the transport position without separating the drive connection between the secondary drive shaft (49) of the center part (17) and the header drive shaft (47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the pivotal drive of Beougher on the harvester of Adams in order to maintain drive over uneven terrain.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Izakson.

The device is disclosed as applied to claim 8 above. However, Adams fails to disclose wherein the harvesting machine is provided with slope equipment that keeps the main frame oriented horizontally when traveling over a slope.

Art Unit: 3671

Izakson discloses a similar harvester including wherein the harvesting machine is provided with a slope equipment that keeps the main frame oriented horizontally when traveling over a slope (see column 4, lines 6-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the slope equipment of Izakson on the harvester of Adams in order to operate on hillsides.

Allowable Subject Matter

10. Claims 4-7 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

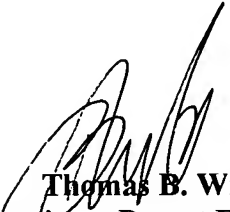
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frey, Molzahn and Jensen et al. have been cited as of interest.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Art Unit: 3671

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
August 18, 2004